

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

INDICTMENT

- v. - :

08 Cr

ROY HANNUM, :

08 CRIM. 0457

Defendant. :

:

- - - - - x

COUNT ONE

(Conspiracy to Commit Mail Fraud)

The Scheme

1. Beginning in or about July 1999, ROY HANNUM, the defendant, while purporting to be a counselor who would assist an individual ("Victim 1") to restructure Victim 1's debt, obtained money from Victim 1 by representing that he would use Victim 1's money to pay off Victim 1's debt. HANNUM also obtained money from Victim 1 by representing that he would deposit Victim 1's money into escrow accounts to be held on Victim 1's behalf to be used for a future investment in real estate. In furtherance of the scheme, HANNUM had a letter and falsified bank documents mailed to Victim 1 which made it appear that Victim 1's money was being maintained in escrow accounts, and had messages e-mailed to Victim 1 implying that Victim 1's money was being maintained by HANNUM. In actuality, HANNUM did not use Victim 1's money to pay off Victim 1's debt nor did HANNUM maintain Victim 1's money for a future investment in real estate.

Statutory Allegation

2. From in or about July 1999 through in or about March 2005, in the Southern District of New York and elsewhere, ROY HANNUM, the defendant, and others known and unknown to the Grand Jury, unlawfully, willfully, and knowingly, did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, to violate Title 18, United States Code, Section 1341.

3. It was a part and an object of the conspiracy that ROY HANNUM, the defendant, and others known and unknown to the Grand Jury, unlawfully, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, for the purpose of executing such scheme and artifice and attempting to do so, did place in a post office and authorized depository for mail matter, matters and things to be sent and delivered by the Postal Service, and did deposit and did cause to be deposited matters and things to be sent and delivered by private and commercial interstate carriers, and did take and did receive therefrom, and did cause to be delivered by mail and such carriers, according to the direction thereon, such matters and things, for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1341.

Overt Acts

4. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. In or about May 2003, ROY HANNUM had a letter and falsified bank documents sent from Elmsford, New York to an individual in Centerport, New York.

(Title 18, United States Code, Section 1349.)

COUNT TWO

(Mail Fraud)

The Grand Jury further charges:

5. From in or about July 1999 through in or about March 2005, in the Southern District of New York and elsewhere, ROY HANNUM, the defendant, unlawfully, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, namely, the fraud described in paragraph 1 above, and for the purpose of executing such scheme and artifice and attempting to do so, did place in a post office and authorized depository for mail matter, matters and things to be sent and delivered by the Postal Service, and did deposit and did cause to be deposited matters and things to be sent and delivered by private and commercial interstate carriers, and did take and did receive therefrom, and

receive therefrom, and did cause to be delivered by mail and such carriers, according to the direction thereon, such matters and things, to wit, a letter and falsified bank documents.

(Title 18, United States Code, Sections 1341)

FORFEITURE ALLEGATION

6. As the result of committing the offenses in violation of Title 18, United States Code, Sections 1341 and 1349, as alleged in Counts One and Two of this Indictment, ROY HANNUM, the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, that represents or is traceable to the gross receipts obtained, directly or indirectly, from the commission of the charged offenses, including but not limited to a sum of money representing the amount of proceeds obtained as a result of the offenses charged in Counts One and Two of this Indictment.

Substitute Asset Provision

7. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;

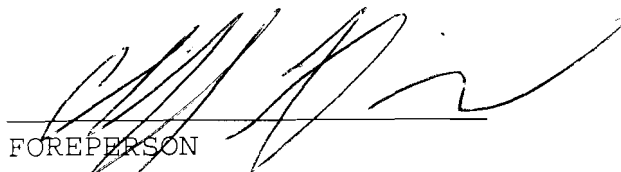
(3) has been placed beyond the jurisdiction of
the Court;

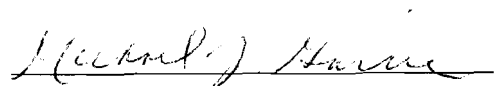
(4) has been substantially diminished in value;
or

(5) has been commingled with other property which
cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 28 U.S.C.
§ 2461, to seek forfeiture of any other property of said
defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981, and
Title 28, United States Code, Section 2461.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney